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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JESUS IRIBE,
15 Defendant.
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CASE NO. 2:22-CR-00164-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL
ACT; ORDER

DATE: September 28, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and
19 defendant, by and through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on September 28, 2023.

21 2. By this stipulation, defendant now moves to continue the status conference
22 until November 2, 2023, at 9:00 a.m., and to exclude time between September 28, 2023,
23 and November 2, 2023, under Local Code T4.

24 3. The parties agree and stipulate, and request that the Court find the
25 following:

26 a) The government has represented that the discovery associated with
27 this case includes law enforcement reports and physical evidence. All of this
28 discovery has been either produced directly to counsel and/or made available for

1 inspection and copying.

2 b) The parties are seeking a continuance to explore a resolution of the
3 matter. Counsel for defendant desires additional time to meet with his client to
4 discuss resolution and conduct investigation and research related to the proposed
5 resolution.

6 c) The parties have not yet reached an agreement about whether this
7 case is going to resolve or proceed to trial so further time is necessary to allow the
8 parties to explore resolution prior to advising the Court of how the matter should
9 proceed.

10 d) Counsel for defendant believes that failure to grant the above-
11 requested continuance would deny him/her the reasonable time necessary for
12 effective preparation, taking into account the exercise of due diligence.

13 e) The government does not object to the continuance.

14 f) Based on the above-stated findings, the ends of justice served by
15 continuing the case as requested outweigh the interest of the public and the
16 defendant in a trial within the original date prescribed by the Speedy Trial Act.

17 g) For the purpose of computing time under the Speedy Trial Act, 18
18 U.S.C. § 3161, et seq., within which trial must commence, the time period of
19 September 28, 2023 to November 2, 2023, inclusive, is deemed excludable pursuant
20 to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a
21 continuance granted by the Court at defendant's request on the basis of the Court's
22 finding that the ends of justice served by taking such action outweigh the best
23 interest of the public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other
2 provisions of the Speedy Trial Act dictate that additional time periods are excludable from
3 the period within which a trial must commence.

4 IT IS SO STIPULATED.

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7 Dated: September 25, 2023

PHILLIP A. TALBERT
United States Attorney

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9 /s/ JUSTIN L. LEE
JUSTIN L. LEE
Assistant United States Attorney

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12 Dated: September 25, 2023

/s/ TIM F. TUITAVUKI
TIM F. TUITAVUKI
Counsel for Defendant
JESUS IRIBE

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16 **ORDER**

17 IT IS SO ORDERED this 25th day of September, 2023.

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19 /s/ Daniel J. Calabretta
HON. DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE